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Unauthorized Disclosures of Classified Information

The most persistent security problem in the US Government is that of unauthorized disclosures of classified information (leaks). The Attorney General has sent to the President a report of an interdepartmental group, recommending a number of actions to alleviate this problem.

This report, which has the complete endorsement and support of the DCI Security Committee and the Unauthorized Disclosures Investigations Subcommittee, recommends:

- Legislation to criminalize the unauthorized disclosure of properly classified information by a government employee.
- Greater use of properly drafted secrecy agreements to provide civil sanctions for leaks.
- Better security education for senior officials (SECOM recently produced a videotape introduction to security for senior officers).
- Better controls on copying and circulation of classified documents. (Unfortunately, sensitive intelligence has an increasing audience, all of whom have a legitimate claim to the information.)
- Updating of Executive Order 10450 and the federal personnel security program. (EO 10450 was issued in 1953.)
- Adoption of appropriate policies governing contacts between media representatives and government officials.
- Internal agency procedures to ensure effective investigations of leaks and the imposition of appropriate sanctions.
- Investigation of leaks by the FBI in cases where a successful investigation will probably result in Administrative sanctions rather than prosecution. (This is a key proposal. Investigation of leaks by the FBI, instead of multiple agency investigations of the same leak, is certain to be more effective. SECOM has voted to offer the services of the Unauthorized Disclosures Investigations Subcommittee to assist the Department of Justice in screening leaks for potential investigation by the FBI.)

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- Modify existing restrictive government regulations to permit the use of polygraph examinations for government employees in leak investigations.

The Security Committee has consistently supported efforts to have the FBI conduct leak investigations. Few leaks occur entirely within a single agency - usually one agency collects information, another analyzes and reports it and still others consume the reports. The fragmented approach of having each agency conduct its own investigation is seriously flawed. Although the FBI doesn't have the resources to investigate every leak, the successful investigation of selected leaks and subsequent penalization of the leakers should have a salutary effect upon other potential leakers.

The Security Committee has sought resources to assemble an interagency leak data base which would assist not only in evaluating individual leaks but would for the first time provide a means of quantifying the leak problem. There is no central record of how many leaks have occurred and there is no way to coordinate recurring leaks from the same documents or sources. If such a data base could be successfully assembled, it would provide for a mosaic approach to investigation and identification of the sources of leaks.

The SECOM also has sought resources to conduct a study of the origin, nature and consequences of leaks. Here again, there is no coordinated body of information upon which to base evaluations of leaks, including the number of times specific information has been published, the probable source of such information and the nature and extent of loss incurred as a result of leaks.

The above recommendations would, if implemented, provide the ability to size the problem, create a diagnostic tool to assess correlation between leaks and publications, and provide continuity and order to the leak investigation effort. They would also assist in identifying security vulnerabilities and provide focus to the effort, which is now completely decentralized.

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